SBCivil Writ Petition No.1392/2005

State of Rajasthan & Ors.
Vs.
Savitri Devi & Ors.

Date of Order :: 14th September, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Shyam Ladrecha, Addl.G.A., for the petitioners.
Mr. Sandeep Shah, for the respondents.

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By this petition for writ a challenge is given to the judgment dated 6.11.2004 passed by permanent Lok Adalat, Churu directing present petitioners to make payment of a sum of Rs.2,00,000/- to the respondents No.1, 2 and 3 being dependent and wards of insured deceased Shri Durga Dutt.

The sole contention of counsel for the petitioners is that the permanent Lok Adalat, Churu erred while directing to make payment of compensation as no cognizance could have been taken by the permanent Lok Adalat for the reasons that no compromise or settlement arrived between the parties. Much emphasis is given by counsel for the petitioner upon Section 20(5) of Legal Services Authorities Act, 1987 (hereinafter referred to as “the Act of 1987”) that prescribes that where no award is made by Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of

the case is required to be returned by it to the court from which the reference has been received under Section 20(1) of the Act of 1987.

I do not find any force in the contention so raised. Section 20 of the Act of 1987 is having no application in present controversy as it pertains to cases referred for adjudication by a court. In the instant matter the cognizance was taken by permanent Lok Adalat at a pre-litigation conciliation and settlement prescribed under Chapter VI-A of the Act of 1987. Section 22-C(8) of the Act of 1987 empowers a permanent Lok Adalat to take cognizance of a case and to pass an award even where the parties failed to reach to an agreement.

In view of it the entire petition for writ is misconceived and the same, therefore, is dismissed.

No order to cost.

(GOVIND MATHUR),J.

kkm/ps.